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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,168	11/14/2001	John M. Packes JR.	01-040	1181

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EXAMINER

DEODHAR, OMKAR A

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/991,168

Applicant(s)

PACKES ET AL.

Examiner

Omkar A. Deodhar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7, 8, 12-21 and 24-53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7, 8, 12-21, 24-53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08).
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

FINAL REJECTION

Claim Rejections - 35 USC § 112

The previous rejections under USC 112 have been withdrawn as a result of Applicant's Remarks.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 7, 8, 12-21, 24-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US Patent 6,165,071).

Regarding claims 2-5, 7, 8, Weiss teaches of a method comprising determining a first gaming session and determining a rank of the first gaming session (3: 44-52), determining at least one other gaming session having a rank that is not higher than the rank of the first gaming session (4:29-33). Weiss teaches of ranking the player based on other players in analogous games, thus a second session with corresponding data is one where a second player is ranked and their ranking is not higher than the rank of the first gaming session meeting the limitation of claim 1. Further, Weiss teaches of

determining at least one bonus based on the data and applying the bonus to the first gaming session (4: 21-30).

Also, regarding claims 2 and 3, Weiss teaches of determining the rank of the first gaming session by determining the number of prior gaming sessions that are not concluded (2: 40-53). Thus, based on the number of gaming sessions that the player is playing, a rank is determined. This also includes subsequent gaming sessions since the player can be playing games at the same time.

Additionally, regarding claims 4 and 5, Weiss teaches of determining the rank of the first gaming session based on the time of play of the gaming session which inherently includes the start time and end time (6: 20-32).

Furthermore, regarding claim 7, Weiss teaches of offering an amount of funds in the form of a prize to a player based on their rank (4: 22-37).

Additionally, regarding claim 8, Weiss teaches of determining a rank of the first gaming session based on a rate of play of the first gaming session (2: 28-37).

In regards to claim 12, 13, and 21, Weiss teaches of comparing the ranking with other players competing in analogous games. Thus, all the determinations of rankings as discussed above apply to a second gaming session with a second player in the same way.

In regards to claim 14, Weiss teaches of the bonus applied to the first gaming session based on the ranking of the player (4: 22-33). Since the prize pool is based on the ranking of the player, it would be obvious for one skilled in the art to incorporate a

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prize that increases the probability of winning for at least one play for those players that have a higher rank.

In regards to claim 15, Weiss teaches of a bonus that comprises a payout (2: 27-37).

In regards to claim 16, Weiss teaches of dispensing an amount of coins as a prize (2: 22-33). It is well known in the art that redeeming credits is analogous to dispensing coins since credits are monetary representatives in the art.

In regards to claim 17, while Weiss does not explicitly teach of a bonus that comprises a secondary game play, it is well known in the art that bonus games typically involve secondary game plays.

In regards to claim 18, while Weiss does not explicitly teach of applying a bonus to an account associated with a first gaming session, Weiss does teach of using a player tracking card to play the first gaming session (3: 44-52). It is well known in the art that a player tracking card is associated with a player account.

In regards to claims 19 and 20, Weiss teaches of displaying the ranking of a second gaming session to the player of the first gaming session (4: 22-34).

The limitations of newly added claims 24 – 29, are rejected by the same references applied to at least claims 2-5, 7, 8, (and claims depending directly or indirectly therefrom). Please see above.

Regarding claims 30 and 31, Weiss teaches of a computer readable medium (memory card) for storing instructions configured to direct a processor to perform various functions, (3: 44-52). Weiss also teaches of an apparatus comprising a

processor and computer readable medium in communication with one another (3: 64-67 & 4:1-21).

Regarding claim 32, newly added limitations are addressed below. The remaining limitations have been discussed in detail with respect to at least claims 2-5, 7, 8, (and claims depending directly or indirectly therefrom, please see above.)

Weiss teaches of determining a rank of the first gaming session based on a measure of wagering in the first gaming session. Weiss teaches basing the rate of play on an aggregate amount wagered in the first gaming session, (2: 28-37), where it is noted that the rate of play is based on progress made on established milestones, which are inherently dependent on the amount wagered, and thus affect the rank of the gaming session.

Consequently, claim 32 and claims depending directly or indirectly therefrom are rejected.

Claims 33-47 all depend from rejected claim 32. The claimed limitations are all various features of a display means, many of which are inherent features of a display, especially in gaming machines. For example, in claim 37, "displaying information about respective players for the plurality of gaming session." In claim 42, "displaying the information when at least a portion of the information changes." In claim 47, "displaying comprises determining a player preference for what types of information are displayed." These features are quite simply inherent to a gaming machine display. Other features such as in claim 36, "displaying respective bonus statuses of a plurality of gaming devices," are simply displaying information pertaining to the game at hand. Weiss

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teaches various features associated with the display, (3:56-57, 4:24-37, 4:60-62, 5:8-13, 5:26-29, 5:60-63), where it is noted that these features overlap in scope with the limitations in claims 33-47.

Consequently, claims 33-47 are rejected.

Regarding claims 48-53, the claimed limitations have been discussed in detail with respect to the rejections of claims 2-5, 7, 8, 30, 31, (and claims depending directly or indirectly therefrom.)

Consequently, claims 48-53 are rejected.

Response to Arguments

Applicant's arguments filed 8/28/2006 have been fully considered but they are not persuasive.

Double Patenting rejections have been overcome.

Claims 2-5, 7-8, 12-21, and 24-53 are being considered in this Office Action.

The U.S.C. 112 rejection has been overcome and this is reflected above.

With respect to claims 2-5, 7, 8, 12-21, applicant asserts that Weiss does not teach the claimed limitations, "in which determining the rank of the first gaming session comprises," determining the following:

- a number of prior gaming sessions that are not concluded;
- the rank of the first gaming session based on the number;
- a number of subsequent gaming sessions that are not concluded;
- the rank of the first gaming session based on the number;
- a start time of the first gaming session;

the rank of the first gaming session based on the start time;
a duration of the first gaming session;
the rank of the first gaming session based on the duration;
providing an offer to assign the rank to the first gaming session in exchange for
an amount of funds;
a rate of play of the first gaming session;
the rank of the first gaming session based on the rate of play;

The examiner respectfully disagrees and maintains that Weiss does indeed disclose all of the features. The examiner has responded to each of Applicant's remarks regarding the features that Weiss lacks, as follows:

Regarding Applicant's remarks with respect to claims 2 and 3, the cited portion of Weiss (refer to the rejection above) discloses determining a rank of a gaming session based on how many prior gaming sessions are not concluded, (2: 4-53). Weiss discloses a memory card that stores updates with respect to the progress of the player during the course of a series of plays defining the player's participation. The progress of the player is interpreted as including the prior gaming sessions that were not concluded. The player progress is also interpreted as including a current game (or subsequent, as claimed by application) that are not concluded by the player.

Consequently, the rejection of claims 2 and 3 is respectfully maintained.

Regarding Applicant's remarks with respect to claims 4 and 5, the cited portion of Weiss (refer to rejection above) discloses determining a rank of a gaming session based on its duration (start time to end time, for instance), (6:20-32). Weiss discloses

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that a gaming session (tournament) is affected by a player who, for example, takes a vacation for an aggregate amount of time that exceeds the maximum allowable time for the tournament.

Hence, the rejection of claims 4 and 5 is respectfully maintained.

Regarding Applicant's remarks with respect to claim 7, the cited portion of Weiss (refer to rejection above) discloses offering an amount of funds in the form of a prize to a player based on their rank, (4:22-37). A high ranking winner would receive an output from the gaming machine in the form of redemption vouchers, scrip, currency, or other indicia of value that the player can subsequently utilize or redeem.

Thus, the rejection of claim 7 is respectfully maintained.

Regarding Applicant's remarks with respect to claims 8 and 12-21, the cited portion of Weiss (refer to rejection above) discloses determining a rate of play (or rank) would comprise determining a rank based on a rate of play, (2:28-37). When play has progressed for a protracted period time, supplemental awards are available to the player as the result of progress based on milestones established for the particular game. This allows the player to redeem credits directly correlated to performance as a function of time. Thus, determining a rank comprises determining a rank based on a rate of play.

Hence, the rejections of claims 8 and 12-21 are respectfully maintained.

With respect to new claims 32-53, and claims depending directly or indirectly therefrom, applicant asserts that Weiss does not teach, in addition to the elements presented above, at least one of the features below:

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determining a rank of the first gaming session based on at least one of the following:

a measure of wagering in the first gaming session;

a number of prior gaming session of at least one other player;

a number of subsequent gaming sessions of at least one other player.

The examiner has cited relevant portions of Weiss in the rejection above.

Consequently, newly added claims are respectfully rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Jones
Primary Examiner
2/8/07